



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,042	11/09/2004	Aki Niemi	59643.00529	5282
32294 7590 11/12/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER HUSSAIN, TAUQIR				
ART UNIT		PAPER NUMBER		
2452				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/510,042

**Applicant(s)**

NIEMI ET AL.

**Examiner**

TAUQIR HUSSAIN

**Art Unit**

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/30/2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 20-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 and 20-46 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to amendment /reconsideration filed on 07/30/2008, the amendment/reconsideration has been considered. Claims 1-10, claims 11-09 have been canceled and claim 20-22 have been amended, claims 23-46 have been newly added and therefore, claims 1-10 and 20-46 are pending for examination, the rejection cited as stated below.

### ***Response to Arguments***

2. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.
3. Please note that, since applicant has amended the base independent claims in addition to added new claims, therefore it is appropriate to make this action as final.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Correction of the following is required:
5. Claim 46 recites computer program product comprising computer readable instruction, there is no support found in the specification for the phrase. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 and 20-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truetken et al (Pub No.: US 2003/0067887 A1), hereinafter "Truetken" in view of Vassilovski et al. (Pub. No.: US 2003/0012170 A1), hereinafter "Vassilovski".

8. As to claim 1, 36, 41 and 46, Truetken discloses, receiving a session initiation protocol message transporting one of at least two types of message service (Truetken, Fig.2, element-41, [0019], where message includes, web phone, chat, email and streaming video), a first message service being real-time and a second message service being bulk (Truetken, Fig.2, element-43, 45 [0019], where chat or web phone is a real-time message service and video streaming is a bulk message service), wherein the session initiation protocol message comprises a control portion (Truetken, [0007], where message gives control to the calling party or the called party to control the invitation dialog).

Examiner notes that even though it is imperative that every message has a header portion which comprises of message ID and protocol, however Truetken does not disclose the said limitation explicitly.

Vassilovski however discloses, wherein the control portion comprises an identification of the type of message service transported by session initiation protocol message (Vassilovski, Fig.6, element-100, Abstract, where messages having headers that are extended to include information related to OTA protocol and further [0008], A communication system includes a Session Initiation Protocol (SIP) header that contains information which is derived at least in part from an over-the-air (OTA) protocol message from a wireless communication device).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Truetken with the teaching of Vassilovski in order to provide a communication method includes using extended session initiation protocol (SIP) headers to transmit over-the-air (OTA) protocol parameters within an infrastructure that uses voice over Internet Protocols (VOIP), such that a protocol other than VOIP need not be used within the infrastructure to effect call set-up between a wireless communication device and another communication device via the infrastructure.

9. As to claims 10 and 20, are rejected under for same rationale as applied to claim 1, 36, 41 and 46 above and in additionally Vassilovski further discloses the core concept of forwarding message to appropriate network/server, direct SIP messages of the second message service type to the second application server (Vassilovski, Fig.1, element, 38, 28 and 42, 32 [0026], where message is directed to appropriate server according the header information).

10. As to claim 2, Truetken and Vassllovski discloses the invention substantially as in parent claim 1 above including, processing a SIP message in dependence on the identification in the control portion of the SIP message (Vassllovski, [0013], where SIP is processed independent of protocol used within infrastructure which does not effect call set-up).

11. As to claims 3, 23 and 42, Truetken and Vassllovski discloses the invention substantially as in parent claims 1, 20 and 41 above including, wherein the control portion is a header of the SIP message (Vassllovski, [0013], where SIP has a header information which is equivalent to a control portion).

12. As to claims 4, 24, 40 and 45, are rejected under same rationale as applied to claim 3 above.

13. As to claims 5 and 25 Truetken and Vassllovski discloses the invention substantially as in parent claim 1 and 20 above including, processing said SIP message by an application associated with the first message service type (Truetken, [0019], where telephony client generally includes a common user interface 33 that communicates with an application interface 35).

14. As to claim 6, Truetken and Vassllovski discloses the invention substantially as in parent claim 5 above including, wherein the SIP message transports the second type of message service and wherein, the application associated with the first message service type forwards the SIP message to an application associated with the second messages

service type (Truetken, [0024], where application interface 35 uses information provided by the user to configure the way it uses other application to perform requests initiated from the helper applications, which is first message triggers the second application for further processing).

15. As to claim 7, Truetken and Vassilovski discloses the invention substantially as in parent claim 1 above including, wherein the first type of message service is dependent upon instant delivery (Truetken, [0026]), where SIP invite message is received at the called party which is equivalent to Instant delivery) and the second type of messaging service is dependent upon reliable delivery (Truetken, [0026], where after receiving the SIP invitation, the called party client displays the invitation dialog box which identifies the calling party and the requested media type, which is equivalent to a reliable delivery).

16. As to claim 8, Truetken and Vassilovski discloses the invention substantially as in parent claim 7 above including, wherein the second type of message service is at least one of short message service, an extended message service and a multimedia service (Truetken, Fig.2, Element-43, 45, 47 and 49 etc).

17. As to claim 9 is rejected for same rationale as applied to claim 7 above.

18. As to claim 33, Truetken and Vassilovski discloses the invention substantially as in parent claim 1 above including, utilizing the control portion to identify the type of message service transported by the session initiation protocol message (Vassilovski,

Fig.7, [0021], where SIP header describes the type of message service to be transported).

19. As to claim 31, 34, 39 and 44, Truetken and Vassilovski discloses the invention substantially as in parent claim 20, 33, 38 and 43 above including, wherein the control portion comprises a P-header, and the method further comprises utilizing the P-header to identify whether the session initiation protocol message is intended for an instant messaging service application or a multimedia messaging service application, wherein the presence or absence of the P-header identifies the type of message service of the session initiation protocol message (Vassilovski, Fig.6 and Fig. 7, [0053], where extended SIP header which is equivalent to a P-header to identify the type of message and regular SIP header can be equivalent to a control portion).

20. As to claim 35, is rejected under for same rationale as applied to claim 7 above.

21. As to claims 21 and 22, Truetken and Vassilovski discloses the invention substantially as in parent claim 20 above including, wherein the apparatus comprises an internet multimedia subsystem application server (Truetken, [0004], where video streaming message means there is a multimedia server included in the system).

22. As to claim 26, is rejected under same rationale as applied to claim 9 above.

23. As to claim 27, is rejected under same rationale as applied to claim 7 above.

24. As to claim 28, is rejected under same rationale as applied to claim 8 above.



25. As to claim 29, is rejected under same rationale as applied to claim 7 above.
26. As to claim 30, Truetken and Vassilovski discloses the invention substantially as in parent claim 1 above including, wherein the apparatus is configured to utilize the control portion to identify the type of message service transported by the session initiation protocol message (Vassilovski, Fig.6 and Fig.7, [0013], where SIP has a header information which is equivalent to a control portion and header information contain the message ID type).
27. As to claim 32, is rejected under for same rationale as applied to claim 10 and 20 above.
28. As to claim 37, is rejected under for same rationale as applied to claim 3 above.
29. As to claims 38 and 43, are rejected under for same rationale as applied to claim 30 above.

### ***Conclusion***

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/510,042

Page 10

Art Unit: 2452

Examiner, Art Unit 2452

/Kenny S Lin/

Primary Examiner, Art Unit 2452